FRANK CASE HEARING TO BE HELD OCT. 26

Supreme Court Will Listen to Plea Based on Constitu- tional Grounds.

The Supreme Court of Georgia has set the Fourth Monday of the present month as the date for the hearing of the motion of the Attorneys for the defense of Leo M. Frank, now in Fulton Tower under sentence of death for the murder of Mary Phagan, to have

the verdict set aside on the ground that Frank was not present when the verdict was rendered.

The Supreme Court has not yet handed down its decision in the motion extraordinary for a new trial, and this decision is hardly expected until after the hearing on the Fourth Monday of October, inasmuch as the last regular day for the handing down of the decision of the Supreme Court before that date has passed.

Monday was without sensational developments in regard to the change of opinion on the part of William Smith, former Attorney for Jim Conley, the Sweeper at the National Pencil Factory, now serving a term as accessory after the fact of the Phagan murder.

It is rumored that city detectives have interrogated Conley to learn what conversation, if any, has passed between him and Attorney Smith and whether or not Attorney Smith has secured a “confession” from Conley.

Attorney Smith and Solicitor Dorsey both declined to discuss the Case on Monday.